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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,501	05/25/2007	Nicholas Cook	4015-5833 / P/63972/U77	6545
24112 7590 06/19/2009 COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary, NC 27518				
EXAMINER				
HOQUE, NAFIZ E				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,501

Applicant(s)

COOK, NICHOLAS

Examiner

NAFIZ E. HOQUE

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicants' claims filed on March 11, 2009 have been entered. No claims have been amended. No claims have been added or cancelled. Claims 16-32 are still pending in this application, with claims 16, 27, and 28 being independent.

Response to Arguments

2. Applicant's arguments filed March 11, 2009 have been fully considered but they are not persuasive.

Applicant argues that Honkala does not teach or suggest the claim limitation "a media streaming unit that detects whether media data is to be re-transmitted over another communications channel or whether the media data is to be re-transmitted on another timeslot over the same communications channel". Applicant further argues "Honkala explicitly discloses a gateway function that negates the need to perform the claimed detection. Specifically, Honkala extracts the signaling data needed to route the traffic to a destination device from the received signal".

In response, Examiner respectfully disagrees with applicant's assertions. The claimed limitation is broad. The cited portion of Honkala (col. 7, lines 33-48) discloses that an E1 has 32 communication channels (0-31). Hence, in order to support additional users, it needs more carriers and channels.

As a result, if a gateway has more than one channel, there is an automatic detection for which channel to send the data (vice versa, if there is only one channel no

detection required). Furthermore, when the channel is filled up, it sends data via the next channel and signaling data keeps track of which channel and time slot the data is being sent over (col. 6, lines 9-12).

Furthermore, claims 27 and 28 are rejected for the same reason as claim 16. In conclusion, examiner maintains the rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-18, 20-22, 24-25, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (US Pub 2003/0046387) in view of Honkala et al. (US 6,850,778).

Regarding claims 16, 27, and 28, Oshima discloses a telecommunication network comprising:

a packet network (fig. 1);

a call control agent associated with the packet network, the call control agent being configured to control at least one communication channel across the packet network (Para 0025, 0038; Fig. 5);

a media gateway associated with the call control agent, the media gateway being configured to receive and convert signals compatible with a first communication format into signals compatible with a second communication format (Para 0024, 0028-0029).

Oshima does not explicitly disclose a media streaming unit associated with the media gateway, the media streaming unit configured to: determine whether the signals compatible with the first communication format comprise media data;

if there is more than one communications channel connected to the media gateway, detect whether the media data is to be re-transmitted over another communications channel, or whether the media data is to be re-transmitted on another timeslot over the same communications channel; and transfer the media data to a selected time slot on a selected one of the communications channels.

Honkala discloses a media streaming unit associated with the media gateway (col. 6, lines 33-59), the media streaming unit configured to: determine whether the signals compatible with the first communication format comprise media data (abstract; col. 3, lines 58-62);

if there is more than one communications channel connected to the media gateway, detect whether the media data is to be re-transmitted over another communications channel, or whether the media data is to be re-transmitted on another timeslot over the same communications channel (col. 7, lines 33-48);

and transfer the media data to a selected time slot on a selected one of the communications channels (col. 5, line 60 - col.6, line 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Oshima with the teaching of Honkala, to determine whether incoming signals comprise media data so that we can use one gateway to transfer both signaling and media data and lower cost (Honkala, col. 3, lines 1-14) .

Regarding claim 17, Honkala discloses wherein the media streaming unit is configured to convert the media data into the signals compatible with the second communication format if the signals compatible with the first communication format comprise media data (col. 3, lines 22-39).

Regarding claims 18 and 30, Honkala discloses a gateway core processor associated with the media gateway, and wherein the media streaming unit is configured to forward the signals compatible with the first communication format to the gateway core processor if the signals compatible with the first communication format do not comprise media data (fig. 3, element 74).

Regarding claim 20, Honkala discloses wherein the media streaming unit is further configured to receive and convert signals compatible with the second communication format into the signals compatible with the first communication format (col. 5, line 60 - col.6, line 6).

Regarding claim 21, Honkala discloses wherein the media streaming unit is further configured to: determine whether the signals compatible with the second communication format comprise media data; and if the signals compatible with the

second communication format comprise media data, convert the media data into the signals compatible with the first communication format (col. 3, lines 21-39).

Regarding claims 22 and 32, Honkala discloses a gateway core processor associated with the media gateway, and wherein the media streaming unit is configured to forward the signals compatible with the second communication format to the gateway core processor if the signals compatible with the second communication format do not comprise media data (fig. 3, element 76).

Regarding claim 24, Honkala discloses wherein the first communication format comprises pulse code modulation (col. 7, lines 14-17).

Regarding claim 25, Honkala discloses wherein the second communication format comprises a packet data format (col. 3, line 4 – signaling traffic).

Regarding claim 29, Honkala discloses wherein if the signals compatible with the first communication format comprise media data, the media streaming unit is configured to convert the media data into the signals compatible with a second communication format for transmission over the selected one of the communications channels (col. 5, line 45 - col.6, line 12).

Regarding claim 31, Honkala discloses wherein the media streaming unit is configured to: determine whether the signals compatible with the second communication format comprise media data; and convert the media data into signals compatible with the first communication format if the signals compatible with the second communication format comprise media data (col. 3, lines 22-39).

5. Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (US Pub 2003/0046387) in view of Honkala et al. (US 6,850,778) in further view of Bjelland et al. (US 2002/0006780).

Regarding claims 19 and 23, Oshima and Honkala teaches a telecommunication network (Oshima, fig. 1);

Oshima and Honkala does not disclose wherein the media streaming unit determines whether the signals compatible with the first and second communication format comprise media data based on call detail records associated with the signals.

Bjelland discloses wherein the media streaming unit determines whether the signals compatible with the first and second communication format comprise media data based on call detail records associated with the signals (Para 0051-0054).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Oshima and Honkala with the teaching of Bjelland, to classify the data as media data or non-media type and then further process the data.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable Oshima et al. (US Pub 2003/0046387) in view of Honkala et al. (US 6,850,778) in further view of Tyndall et al. (US 2005/0188162).

Regarding claim 26, Oshima and Honkala teaches a media streaming unit (Oshima, fig. 1).

Oshima and Honkala does not disclose wherein the media streaming unit is a field programmable gate array.

Bjelland teaches wherein the media streaming unit is a field programmable gate array (Para 0053).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to Oshima and Honkala with the teaching Tyndall to make the media streaming unit a FPGA, because it provides extremely high stream rates and it can be tailored to meet their own individual needs. This is simply a design choice that is well known in the art.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAFIZ E. HOQUE whose telephone number is

(571)270-1811. The examiner can normally be reached on M-F Alternate Fridays Off
7:30 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NAFIZ E HOQUE/
Examiner, Art Unit 2614

/Ahmad F Matar/
Supervisory Patent Examiner, Art Unit 2614